

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

ARTHUR ROY MORRISON,	)	
TDCJ-ID # 1492042,	)	
	)	
Petitioner,	)	CIVIL ACTION NO.
	)	
VS.	)	3:15-CV-2947-G (BH)
	)	
UNITED STATES DISTRICT COURT,	)	
DALLAS DIVISION,	)	
	)	
Respondent.	)	

**ORDER ACCEPTING FINDINGS AND RECOMMENDATION**  
**OF THE UNITED STATES MAGISTRATE JUDGE**

After reviewing all relevant matters of record in this case, including the findings, conclusions, and recommendation of the United States Magistrate Judge and the objections thereto, in accordance with 28 U.S.C. § 636(b)(1), the undersigned district judge is of the opinion that the findings and conclusions of the magistrate judge are correct and they are accepted as the findings and conclusions of the court.

Before the court are the objections of the plaintiff, Arthur Roy Morrison, to the findings, conclusions and recommendation of the United States Magistrate Judge

(docket entry 17). The court concludes that plaintiff's objections are without merit, and his second request for a bench warrant for oral argument is denied.

Also, before the court is plaintiff's motion for leave to amend petition for writ of mandamus (docket entry 18). Plaintiff, however, filed an amended motion for writ of mandamus before filing the motion for leave to amend the petition and before the court could rule on the motion (docket entry 15). Plaintiff's motion for leave to amend his petition for writ of mandamus is granted.

Plaintiff's first amended writ of mandamus is dismissed without prejudice pursuant to 28 U.S.C. § 1915(g). Plaintiff's first amended writ of mandamus failed to add material facts or arguments of law that change the result reached by the United States Magistrate Judge in the findings, conclusions and recommendation.

The plaintiff has filed at least three civil actions or appeals in federal court that have been dismissed as frivolous, malicious, or for failure to state a claim upon which relief may be granted. *See* Findings, Conclusions and Recommendation of United States Magistrate Judge at 2-3. Pursuant to § 1915(g), unless the plaintiff is in imminent danger of serious physical injury, he may not proceed *in forma pauperis* here without the prepayment of fees. *See id.* In his objections, plaintiff does not allege that he is in imminent danger of serious physical injury. Therefore, he may not proceed here without the prepayment of fees. *See* 28 U.S.C. § 1915(g); *see generally* Findings, Conclusions and Recommendation of United States Magistrate Judge.

Lastly, before the court is plaintiff's motion to recuse United States Magistrate Judge Irma Carrillo Ramirez for fraud (docket entry 16). Plaintiff frivolously accuses the honorable United States Magistrate Judge as a habitual liar. *See* Motion to Recuse. Plaintiff's motion is denied as baseless, frivolous and uncouth.

Title 28 U.S.C. § 455 establishes an objective standard for judicial recusal, known as the "appearance of justice" rule. *In re IBM Corporation*, 618 F.2d 923, 929 (2d Cir. 1980). The appropriate test for disqualification under § 455(a) is whether a reasonable person with knowledge of all the facts would be led to the conclusion that the judge's impartiality or fitness to adjudicate the matter might reasonably be questioned. *Potashnick v. Port City Construction Company*, 609 F.2d 1101, 1111 (5th Cir. 1980), *cert. denied*, 449 U.S. 820 (1980). In the findings, conclusions and recommendation, Magistrate Judge Ramirez accurately cites the plaintiff's litigious history, which is in the public record. *See generally* Findings, Conclusions and Recommendation of United States Magistrate Judge. The court concludes that no reasonable person would be led to the conclusion that Magistrate Judge Ramirez lied, fraudulently represented the facts, or did not impartially adjudicate the matter. *Potashnick*, 609 F.2d at 1111. Therefore, the court denies plaintiff's motion to recuse United States Magistrate Judge Ramirez.

For the reasons stated in the findings, conclusions, and recommendation of the United States Magistrate Judge, the application for leave to proceed *in forma pauperis*

and the motions to consolidate, to abrogate the Prison Litigation Reform Act, and for a bench warrant for oral argument are **DENIED**.

For the reasons stated herein, the motion to recuse Magistrate Judge Ramirez, the amended motion for writ of mandamus and plaintiff's second request for a bench warrant for oral argument are **DENIED**.

By separate judgment, this action will be summarily dismissed as barred by 28 U.S.C. § 1915(g).

**SO ORDERED.**

October 7, 2015.

  
\_\_\_\_\_  
A. JOE FISH  
Senior United States District Judge